

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO.:

KARINA ESCOBAR,

Plaintiff,

v.

TIMOTHY WILCOX INC. D/B/A
BEACHES BAR AND GRILL,
TIMOTHY WILCOX,

Defendants.

COMPLAINT

{Jury Trial Demanded}

Plaintiff, KARINA ESCOBAR (“Escobar”), brings this action against Defendants, TIMOTHY WILCOX INC. D/B/A BEACHES BAR AND GRILL (“BBG”) and TIMOTHY WILCOX (“Wilcox”), and alleges as follows:

1. This is an action arising under the Fair Labor Standards Act 29 U.S.C. §§ 201-219 (“FLSA”). Jurisdiction is conferred on this Court by 28 U.S.C. § 1331 and 29 U.S.C. § 216(b).
2. At all times material hereto, Escobar was a resident of Florida and an “employee” of Defendants as defined by the FLSA.
3. At all times material hereto, BBG was a Florida corporation that regularly transacted business in Miami-Dade County, Florida.
4. Wilcox is an FLSA employer as defined in 29 U.S.C. § 203(d), is an owner and/or manager of BBG, ran the day-to-day operations and had operational control over BBG, and was directly involved in decisions affecting duties, employee compensation, and hours worked by employees, such as Escobar.

5. BBG's business involves bar and restaurant operations.
6. Defendants have employees handling, selling, or otherwise working on goods or materials that have been moved in or produced for commerce including but not limited to computers, phones, pens, and paper.
7. Upon information and belief, BBG's gross sales or business done was in excess of \$500,000 per year at all times material hereto.
8. BBG was an enterprise engaged in commerce or the production of goods for commerce and is covered by the FLSA at all times material hereto.
9. BBG, Lovett Hospitality Management d/b/a Sand Bar + Kitchen, TMFW, Inc. d/b/a Dewey's Tavern, and Liquor Lounge Cafe, Inc. are engaged in bar and restaurant operations under the ownership and control of Wilcox and share employees and supplies including alcohol.
10. BBG, Lovett Hospitality Management d/b/a Sand Bar + Kitchen, TMFW, Inc. d/b/a Dewey's Tavern, and Liquor Lounge Cafe, Inc. are a single enterprise under the FLSA, performed related activities through unified operation and common control for a common business purpose, engaged along with their employees in interstate commerce, and upon information and belief have combined annual gross sales and/or business volume of \$500,000 or more.
11. Escobar worked for Defendants as a bartender.
12. Defendants failed to pay Escobar's full and proper minimum wages.
13. Defendants failed to pay Escobar's full and proper overtime wages.
14. Defendants failed to pay Escobar's full and proper tips.
15. Defendants knowingly and willfully refused to pay Escobar's legally-entitled wages.
16. Attached as **Exhibit A** is a preliminary calculation of Escobar's claims. These amounts may change as Escobar engages in the discovery process.

17. Escobar retained the services of the undersigned and is obligated to pay for the legal services provided.

COUNT I
VIOLATION OF THE FAIR LABOR STANDARDS ACT
AGAINST ALL DEFENDANTS

18. Plaintiff realleges and incorporates the allegations set forth in paragraphs 1-17 above as if set forth herein in full.

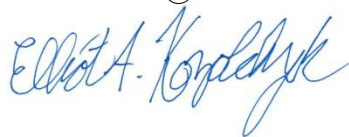
19. Plaintiff alleges this action pursuant to the Fair Labor Standards Act, 29 U.S.C. §§ 216 (b), that Plaintiff is entitled to: (i) unpaid minimum wages, (ii) time-and-a-half overtime pay, (iii) unpaid tips, and (iv) liquidated damages pursuant to the Fair Labor Standards Act, 29 U.S.C. §§ 201 et seq.

20. Plaintiff seeks recovery of damages as referenced above and further seeks interest, costs, and attorneys' fees pursuant to 29 U.S.C. § 216(b).

WHEREFORE, Plaintiff demands judgment against Defendants, jointly and severally, plus costs, reasonable attorneys' fees, and such other remedy as the court deems just and appropriate.

Respectfully submitted,

Koz Law, P.A.
800 East Cypress Creek Road Suite 421
Fort Lauderdale, Florida 33334
Tel: (786) 924-9929
Fax: (786) 358-6071
Email: ekoz@kozlawfirm.com



Elliot Kozolchyk, Esq.
Bar No.: 74791